

## **REMARKS**

Claim 1 has been amended. Claim 14 has been allowed. Claims 2-7 have been cancelled. Thus, claims 1 and 8-14 are pending in the present application. No new matter has been added.

Claims 1, 8, and 11-13 stand rejected under 35 U.S.C. § 112, ¶1, as failing to comply with the enablement requirement. Applicant has amended claim 1 to recite that there is no overlap between those portions of antenna patterns that have insufficient signal strength to enable mobile unit location. Thus, at most, the claim permits overlap for portions of antenna signals that are of such trivial strength as to be useless for accomplishing the goal of the claimed invention. This amendment thus addresses the physics-based concern of the Examiner without departing from the central point of the prior amendment, which is that with respect to those portions of the antenna patterns that are sufficiently strong for enabling the location of the mobile units, there is no overlap. Accordingly, withdrawal of this rejection is requested.

Claims 1, 8, and 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,406,275 to Hassett et al. ("Hassett"). The Examiner agrees, at least implicitly, that Hassett does not teach the non-overlapping antenna patterns of the claim. The Examiner nevertheless regards this as an obvious difference, since one of ordinary skill in the art would have recognized that non-overlapping patterns "improv[e] the performance of the system by minimizing interference as much as possible." Office Action at page 4. The Examiner is not clear as to what type of interference would be obviated were Hassett to be modified to avoid pattern overlaps, but Hassett already avoids or at least minimizes interference by assigning each lane antenna its own code, and by employing phase shift keying and manchester encoding. Thus, interference appears to have been handled already by Hassett, and so the proposed modification of non-overlapping antenna patterns would appear to have little appeal to one of ordinary skill in the art. Moreover, incorporating non-overlapping patterns in the Hassett system would actually be detrimental to the accomplishment of its purpose. The purpose of the Hassett system is to

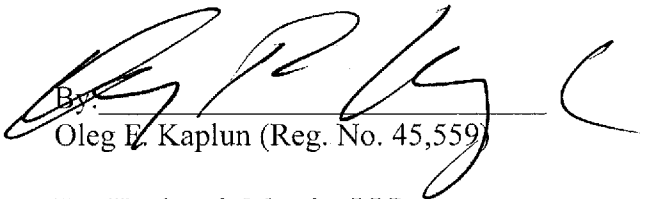
locate vehicles equipped with mobile transceivers using a set of antennas disposed in the toll lanes of a highway. A vehicle cannot be assured to always be traveling in the center of the lane where the antenna pattern is at its strongest; sometimes a vehicle will skirt the edge of the lane. The edge of the lane is where the Examiner proposes that the antenna patterns of neighboring lanes avoid overlapping each other, in contradiction to the clear overlap shown in Figure 1. Were the Hassett system modified to have no coverage over its lane edges, many cars would avoid detection and thus frustrate the central purpose of the Hassett system. Therefore, since one of ordinary skill in the art would find unworkable the proposal of having the lane antennas transmit non-overlapping fields, withdrawal of this rejection is requested.

Claims 9 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hassett in view of U.S. Patent No. 6,700,493 to Robinson. Since Robinson does not overcome the deficiency noted above in Hassett, claims 9 and 10 are patentable for at least the same reasons given above.

In light of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: October 3, 2008

  
By: \_\_\_\_\_  
Oleg E. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
Tel: (212) 619-6000  
Fax: (212) 619-0276